

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

ePLUS INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:09CV620 (REP)
)	
LAWSON SOFTWARE, INC.,)	
)	
Defendant.)	

**DEFENDANT LAWSON SOFTWARE, INC.’S MOTION IN LIMINE NO. 6 TO
EXCLUDE EVIDENCE OF PUBLICATIONS RELATED TO EPLUS’S PATENT-
ENFORCEMENT EFFORTS, LITIGATION, AND SETTLEMENT AGREEMENTS**

Defendant Lawson Software, Inc. (“Lawson”), by counsel, moves *in limine* to preclude Plaintiff ePlus, Inc. (“ePlus”) from presenting evidence and argument relating to any news articles or any other publications related to ePlus’s patent-enforcement efforts, litigation, and settlement agreements because there is no evidence Lawson saw any of these materials before suit, and because they are dated after Lawson purportedly began infringement. Specifically, Lawson moves to exclude evidence and argument related to the following seven articles and publications relied on in interrogatory responses and by ePlus’s expert witness Harry F. Manbeck, Jr. in forming his opinion on willful patent infringement and by ePlus to suggest that Lawson had notice of the patent as required for a finding of indirect infringement: (1) the February 17, 2005 article from *Gartner Research*; (2) the February 14, 2005 article from *eWeek*; the February 5, 2005 article from the *New York Times*; (4) the July 8, 2008 posting on the *Cygnus Supply & Demand Chain Executive* web site; (5) the September 9, 2005 article from *InfoWorld*; (6) the September 8, 2005 article from *Computer World Networking & Internet*; and

(7) the December 14, 2006 Form 10-K filed by ePlus. The grounds for this Motion are more fully set forth in the Memorandum in support of this Motion which is filed herewith.

LAWSON SOFTWARE, INC.

By /s/
Of Counsel

Dabney J. Carr, IV (VSB No. 28679)
Robert A. Angle (VSB No. 37691)
Megan C. Rahman (VSB No. 42678)
dabney.carr@troutmansanders.com
robert.angle@troutmansanders.com
megan.rahman@troutmansanders.com
TROUTMAN SANDERS LLP
1001 Haxall Point, Richmond, VA 23219
Telephone: (804) 697-1200
Facsimile: (804) 697-1339

Daniel McDonald (admitted *pro hac vice*)
William D. Schultz (admitted *pro hac vice*)
Rachel C. Hughey (admitted *pro hac vice*)
Andrew J. Lagatta (admitted *pro hac vice*)
Joshua P. Graham (admitted *pro hac vice*)
MERCHANT & GOULD P.C.
3200 IDS Center, 80 South Eighth Street,
Minneapolis, MN 55402
Telephone: (612) 332-5300
Facsimile: (612) 332-9081

Counsel for Defendant Lawson Software, Inc.

CERTIFICATE OF SERVICE

I certify that on this 18th day of June, 2010, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Craig T. Merritt
Henry I. Willett, III
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
cmerritt@cblaw.com
hwillett@cblaw.com

James D. Clements
Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
jclements@goodwinprocter.com

Scott L. Robertson
Jennifer A. Albert
David M. Young (VSB No. 35997)
Goodwin Procter, LLP
901 New York Avenue, N.W.
Washington, DC 20001
srobertson@goodwinprocter.com
jalbert@goodwinprocter.com
dyoung@goodwinprocter.com
rspendlove@goodwinprocter.com

Attorneys for Plaintiff

_____/s/
Dabney J. Carr, IV (VSB No. 28679)
Robert A. Angle (VSB No. 37691)
Megan C. Rahman (VSB No. 42678)
dabney.carr@troutmansanders.com
robert.angle@troutmansanders.com
megan.rahman@troutmansanders.com
TROUTMAN SANDERS LLP
1001 Haxall Point
Richmond, VA 23219
Telephone: (804) 697-1200
Facsimile: (804) 697-1339
Counsel for Defendant Lawson Software, Inc.